

In my view, American leaders have no higher duty, no greater moral responsibility than to take all the appropriate steps to protect the good people we serve from a clear and present danger—a danger that has been detailed to us with clarity and repetition by some of America's finest leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me say how refreshing it is to hear the Senator from Alabama, as scary as it is, to tell the truth about the problem we have. When I tell people back in my State of Oklahoma—I refresh their memories. I remember in 1996 standing at this podium—right here—when the Clinton budget came out for fiscal year 1996. It was a \$1.5 trillion budget. I said a \$1.5 trillion budget is impossible to sustain. And yet the budget the Senator from Alabama was talking about was the budget of this President—and, of course, with a majority in the House and the Senate—that actually has a deficit that is greater than the entire budgets around the entire United States of America in 1996. That is the deficit. That is what my 20 kids and grandkids are going to have to pay for.

When you use statements that are real and cannot be denied—and that is, that this President in the 2 years he has been here has increased the debt more than all the Presidents before him, from George Washington to George W. Bush—it is not believable. That is what makes it so difficult because people think: How can this possibly be? And yet, it is. That is the reality.

COTE D'IVOIRE

Mr. INHOFE. Mr. President, a few minutes ago, I talked at some length about a very significant amendment that is going to be coming up, and that is to take jurisdiction away from the Environmental Protection Agency having to do with cap and trade, something they were unable to do legislatively and they are going to try to do through regulations at the Environmental Protection Agency. I already talked about that issue.

There is something that has not been mentioned on the floor of the Senate that I think is significant. Surprisingly enough, hardly anyone is even aware that it is going on. We are all concerned. We hear every day about the atrocities that are committed in Libya and about the people who are being mowed down. What they do not realize is that is not the only place that is going on.

I have to share, as much as I hate to do it because I am disagreeing with our State Department when I say this, but I have to say it because somebody has to say it. Right now, the potential of having large numbers of people tortured and murdered in Cote d'Ivoire is taking place. Let me set the stage so people will be aware of it.

I have had occasion to be in Cote d'Ivoire—some people call it the Ivory Coast—in west Africa. It is an area where a lot of the slave trade came from to this country. It is a place that has been led by a President named Laurent Gbagbo for the last 10 years. I first became acquainted with the country before he was President of Cote d'Ivoire. In fact, his wife Simone—she is now his wife; she was not his wife at that time—was a member of Parliament. I sat through what happened in 2002 when there was a real effort primarily by one individual—his name is Alassane Ouattara from the northern part of Cote d'Ivoire—charging against him. It is kind of interesting because Cote d'Ivoire is one country, but in the north, they have primarily the Muslim area and in the south and east primarily the Christian element. There has been a real effort for quite some time for the chosen one up there, who is Alassane Ouattara, to defeat President Gbagbo.

Here is the problem. There is an election that took place a few months ago. It appeared that Ouattara actually beat the incumbent President, President Gbagbo. We were all concerned about whether this was a straight election. I am going to tell you in a couple of minutes why it was not but also try to call this to the attention of the administration.

In January after the election took place, I wrote a letter to Secretary Clinton, and I said: I wish to have you reevaluate—I am going to have that letter at the conclusion of my remarks printed in the RECORD—to look at this and evaluate this as to what actually went on in that election and how it was rigged.

Ouattara tried to deny involvement in a mass slaughter that took place a couple days ago. That was in a town called Duekoue. Duekoue is in the southern part, an area that is very strongly in favor of President Gbagbo. Somewhere between 300 and 1,000 people in that western town of Duekoue were slaughtered with guns and machetes.

Mr. Ouattara and his people tried to deny their involvement in the mass slaughter, but his forces took the town days earlier and the Gbagbo forces were not even near the town. They left a week before this happened. Do not believe me, but the Guardian, which is a British newspaper, reported last night—I am going to quote from the newspaper:

The U.N. mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue. The International Committee of the Red Cross said at least 800 people were killed in intercommunal violence in Duekoue last week.

What we do not know is that 800 plus the 330, so roughly it is 1,000.

Guillaume Ngefa, deputy head of the human rights division of the UN mission in Ivory Coast, blamed 220 of the deaths on the pro-Ouattara forces.

The full article goes into a lot of detail.

Also, a BBC reporter at Duekoue wrote in the last 24 hours:

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a U.N. soldier from Morocco is choking with rage and grief. I ask him if any of the dead are children. He nods and begins to sob, quietly, into his facemask.

I repeat, the massacre was not caused by the Gbagbo forces but by the Ouattara forces who had taken over the town. President Gbagbo has called for a cease-fire repeatedly. I repeat that. He has called for a cease-fire but the Ouattara forces have rejected it. Why?

This massacre could have been avoided if Ouattara had accepted mediation through the African Union. On March 27, the African Union sent former Cape Verde Foreign Minister Jose Brito to mediate between Ouattara and Gbagbo. Gbagbo accepted the mediation. Ouattara did not.

I have been following the events closely in Cote d'Ivoire since last fall, and after having spoken with various African dignitaries, I am convinced there is a serious question as to whether Ouattara is the legitimately elected President of Cote d'Ivoire.

I have received substantial evidence of massive voter fraud in the rebel-held north of Cote d'Ivoire. That is the area from which Ouattara comes. I have sent the evidence to Secretary Clinton on two occasions spanning the last few months. One letter is where we actually have the evidence of the number of votes that were stolen. In one letter I pointed out—the last letter, which I will have printed in the RECORD—the evidence which shows that Ouattara received 94,873 votes that were listed on a tally sheet for one of the five regions in the rebel-held north. Times this by four, and it comes very close to the margin of votes that allegedly President Gbagbo lost. That is 400,000 votes.

If, indeed, a similar amount of voter fraud exists in these regions, Gbagbo is the actual winner of the November 28 Presidential election. That is too complicated. Look at it this way: In those five regions—they do not call them precincts; some of the small ones they call precincts, so it is a little confusing. In the first letter I sent, I commented that Gbagbo, in what we would call a primary, had won thousands of votes in each one of those five precincts up north. However, in the primary runoff, he got zero. I suggest to you that is a statistical impossibility. You cannot get zero after you had thousands of votes.

In my letter to Secretary Clinton, I called for the United States to support new elections there, but thus far those efforts have received an inadequate response. Based on the news Ouattara has murdered some 1,000 people in Duekoue, I hope the United States will reconsider its position and call for a new election.

This Wednesday, April 6, will mark the 17th anniversary of the 1994 Rwanda genocide. I went back for the anniversary of that genocide. I have been

there many times before. We know that the U.N. Secretary General Kofi Annan and others knew the extent of this violence early on but did nothing about it. Now we know there can be another genocide occurring, and we do know in advance. That is why the United States is going to have to call for an immediate cease-fire to prevent Ouattara and his rebel army from committing a mass slaughter of the Ivoirians, especially the many youths with sticks and baseball bats who are protecting President Gbagbo at the present time around the Presidential palace.

You have to get this mental picture: They have these young kids marching around. They do not have weapons. They are carrying baseball bats and 2 x 4s.

I have also been told in the last half hour that U.N. helicopters—U.N. peace-keeping helicopters—are firing on Gbagbo's military camp, causing massive explosions. There could be some confusion on this because two of the articles that came out in the last half hour—one was talking about the French, who are kind of behind and supporting, of course, Ouattara, that they are involved in this. The other says the United Nations. I am not sure. One of the two is.

Lastly, I sent Senate Foreign Relations Committee Chairman JOHN KERRY—by the way, I talked with him personally about this situation. He is very concerned about it. I requested he convene a hearing as soon as possible into the atrocities committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the Presidency.

I ask unanimous consent to have printed in the RECORD the two letters sent to Secretary Clinton, along with the letter sent to Senator KERRY, and the miscalculation of the election that I honestly in my heart believe was stolen. This is the tabulation of the precincts. Add up the precincts and in just one precinct, there was a mistake of over 85,000 votes—just in one precinct.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 9, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: I write regarding my grave concerns over the conduct of the second round of voting in the presidential election held in Cote d'Ivoire last November 28, 2010.

As you know, the Independent Electoral Commission of Cote d'Ivoire announced the results of their counting of ballots and declared Alassane Ouattara the winner. It is my understanding of the Constitution of Cote d'Ivoire, however, that it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. I also understand that the Electoral Commission announced the final vote tallies almost 16 hours after its constitutionally mandated time to report such results. It

seems that this election was not carried out in accordance with the constitution of this country.

A second and more troubling aspect of this second round of voting is the credible allegations of massive voter fraud—amounting to several hundred thousand votes—in the rebel-held north of Cote d'Ivoire. I am in receipt of evidence of these allegations, and I have enclosed it for your review.

An example of the kinds of voter fraud allegations that you will find in these attached materials are the tallies of precincts where, in the first round of voting, President Laurent Gbagbo received several thousand votes, but in the second round he received zero votes. This prima facie evidence of large scale voter fraud is very troubling.

Although the Obama Administration has recognized Alassane Ouattara as the winner of the election over President Gbagbo, I ask that you investigate these credible allegations of massive voter fraud and reassess whether the United States should continue to recognize Alassane Ouattara as the winner. Equatorial Guinean President and new African Union Chairman Teodoro Obiang Nguema Mbasogo has appointed a special panel of five African country leaders to present recommendations to the Union in a month's time on how to resolve this presidential election crisis. This would be a good opportunity for the U.S. to become involved in this assessment and investigate these allegations. I would recommend that serious thought be given to a recount of the votes supervised by an internationally sanctioned organization like the African Union, the Organization for Security and Cooperation in Europe or even the Organization of American States. I would further suggest that experienced U.S. electoral organizations become involved like the International Republican Institute, the National Democratic Institute and the International Foundation for Electoral Systems. A fair and impartial recounting of the votes might be one way to end this crisis peacefully.

I look forward to your response.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.

U.S. SENATE,

Washington, DC, March 29, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: I write you again regarding my grave concerns over the conduct of the second round of voting in the presidential election held in Cote d'Ivoire last November 28, 2010. I also write to inform you that a new presidential election should be held in Cote d'Ivoire. This is the only way to prevent further bloodshed, stop a new civil war and ensure a truly free and fair election.

As I stated in my letter of February 9, 2011, Cote d'Ivoire's Independent Electoral Commission (CEI) announced the results of their counting of presidential ballots and declared Alassane Ouattara the winner. Under the Constitution of Cote d'Ivoire, however, it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. In addition, the Electoral Commission announced the final vote tallies almost 16 hours after its constitutionally mandated time to report such results. This most important election phase was not carried out in accordance with the constitution of this country.

A second troubling aspect of this second round of voting is the credible allegations of massive voter fraud—amounting to several hundred thousand votes—in the rebel-held

north of Cote d'Ivoire. I received evidence of these allegations and sent it to you in my earlier letter, but have yet to receive a reply.

The evidence included tallies of precincts where, in the first round of voting, President Laurent Gbagbo received several thousand votes, but in the second round he received zero votes. This prima facie evidence of large scale voter fraud I found very troubling.

In the 57 days since my last letter, I have spoken with numerous officials on the ground during last year's presidential election. This includes African leaders I met with during my trip to this region last month. I have also obtained new evidence of massive voter fraud in the rebel-held north. Specifically, one exhibit (enclosed) is a copy of an official regional electoral return document from the Electoral Commission. It shows Ouattara receiving a total 149,598 from five northern cities. But when the total is officially reported in the amount column ("Totaux" column), Ouattara receives 244,471; a difference of 94,873 votes!

I have been a frequent traveler to Africa for the past 15 years. I have visited Cote d'Ivoire nine times, the last being June of 2010. I am probably the most knowledgeable person about Africa in the U.S. Senate. From all the evidence I now have gathered, I am convinced that it is mathematically impossible for President Gbagbo to have lost the election by several hundred thousand votes. And if a similar amount of fraud exists in the other four regions of the rebel-held north, Gbagbo is actually the winner of the presidential election.

The hundreds of thousands of potential fraudulent ballots, combined with the unconstitutional method in which the votes were tallied and announced by the Independent Electoral Commission, lead me to conclude that the election was not free and fair. I also conclude that a new presidential election should be held under international sanction and supervision to ensure a free and fair election.

I am aware that my position is different from that of the Obama Administration, which has recognized Alassane Ouattara as the winner. I ask, however, that you change your position in light of the evidence I have provided, and that you call for a new election. Such a change would not be viewed as inconsistent, but a wise reevaluation in light of new evidence presented. It is also consistent with our American dedication to the principle that democracy works best when it works for all and not for some.

I recommend that the new election be supervised by internationally sanctioned organizations like the African Union or the Organization for Security and Cooperation in Europe. I would further suggest that experienced U.S. electoral organizations become involved like the International Republican Institute, the National Democratic Institute and the International Foundation for Electoral Systems.

I am convinced that only through a new election will the people of Cote d'Ivoire end the increasing bloodshed, stop another civil war and ensure free and fair elections.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.

U.S. SENATE,

Washington, DC, April 4, 2011.

Hon. JOHN F. KERRY,
Chairman, Senate Foreign Relations Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is now clear, based on United Nations reports coming from Cote d'Ivoire that mass killings have occurred in the western town of Duekoue at the hands of forces loyal to Alassane Ouattara. This calls

into question his legitimacy to lead that country. The killing of innocent civilians must stop now before this becomes another Rwanda.

In light of these facts, I request that you convene a hearing as soon as possible into this atrocity committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the presidency.

Based on the evidence I have seen, and having spoken with various African dignitaries, I brought this issue of fraudulent elections in Cote d'Ivoire to the attention of Secretary of State Clinton on two occasions spanning the past few months. I called for the United States to support new elections there, but thus far, these efforts have received an inadequate response. Based on the news that Ouattara has murdered 1,000 people in Duekoue, I hope the U.S. will reconsider its position and that you will hold this hearing.

The United States must call for an immediate ceasefire to prevent Ouattara and his rebel army from committing a mass slaughter of Ivoirians, especially the hundreds of youth with sticks and baseball bats, who have formed a human chain around Gbagbo's residence and presidential palace.

I know your plate is full now regarding the situation in Libya, but I know you are sensitive to this situation and hope you will hold this hearing.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.

Mr. INHOFE. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JIMMIE V. REYNA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIR- CUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to report the following nomination.

The assistant bill clerk read the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. Under the previous order, there be will 1 hour of debate equally divided and controlled between the two leaders or their designees.

Mr. LEAHY. Mr. President, I ask unanimous consent that, however the time is divided, the vote begin no later than 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the majority leader for beginning another work week by scheduling a con-

firmation vote on an important judicial nomination. The nomination of Jimmie V. Reyna to the Federal circuit was reported unanimously by the Judiciary Committee on March 10. I expect his nomination to be confirmed with strong bipartisan support, likely unanimously.

That is also true of many of the other judicial nominations pending on the Senate's Executive Calendar, including several for what have been designated judicial emergency vacancies in New York, California, Florida and Tennessee. With nearly one out of every nine Federal judgeships vacant, we should act responsibly to address this vacancies crisis by voting promptly on nominations favorably reported by the Judiciary Committee. After this confirmation today, the nominations of another dozen judges and that of the Deputy Attorney General of the United States will remain pending and awaiting Senate consideration and final Senate action. Several of the judicial nominations and that of the Deputy Attorney General have been waiting final Senate action since last year.

At his confirmation hearing in February, Mr. Reyna was introduced to the Judiciary Committee by both of his home State Senators, Senator MIKULSKI and Senator CARDIN of Maryland. Senator CORNYN of Texas, a Republican, also joined Senator CARDIN in recommending Mr. Reyna to President Obama. When he is confirmed, Mr. Reyna will become the first Latino to serve on the U.S. Court of Appeals for the Federal Circuit. A past president of the Hispanic National Bar Association, Mr. Reyna has excelled in private practice for 30 years, specializing in international trade law. He was unanimously rated by the American Bar Association's Standing Committee on the Federal Judiciary as well qualified to serve on this court, its highest possible rating.

The Judiciary Committee received letters of support for Mr. Reyna's nomination from the Customs and International Trade Bar Association, CITBA, and from the former Chairs of the ABA Section of International Law. In its letter, CITBA described Mr. Reyna's temperament as "ideal" and commented that "[h]e is fair and focused and he has dedicated his life not just to practice in this field of law, but to scholarly writing in this field." The former Chairs of the ABA Section of International Law write that they "believe he has the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment that would enable him to serve on the Court of Appeals for the Federal Circuit with distinction and honor."

Mr. Reyna's nomination demonstrates President Obama's commitment to working with Senators to select well-qualified nominees, and his commitment to increasing diversity on the Federal bench. It is appropriate that we are considering Mr. Reyna's nomination in a timely manner. There is no reason it should take weeks and

months for the Senate to consider nominees reported by the Judiciary Committee, particularly those who are consensus nominees.

Mr. Reyna's nomination is one of 13 judicial nominations currently awaiting a Senate vote after being favorably reported by the Judiciary Committee. Two of those nominations have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on the United States Court of Appeals for the Second Circuit and Michael Simon to fill a vacancy on the District Court in Oregon. Another has been reported favorably three times with bipartisan support, that of Jack McConnell to the District of Rhode Island. Another currently pending nomination has been reported favorably four times, that of Judge Edward Chen to a judicial emergency vacancy on the Northern District of California. All of these nominations have long been ready for a Senate vote. So are nominations now pending to fill a judicial vacancy on the DC Circuit, a second judicial emergency vacancy in California, judicial emergency vacancies in New York, Tennessee, and Florida, two vacancies in Virginia, and a vacancy in New Jersey. I expect the Judiciary Committee will consider and report additional judicial nominations this week, adding to the number of judicial nominations ready for final Senate action.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Nearly one out of every nine Federal judgeships remains vacant. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 95 over 26 months into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition.

Regrettably, rather than reduce vacancies dramatically as we did during the Bush administration, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies first topping 90 in August 2009 and staying above that level since. The vacancy rate which we already had reduced from 10 percent at the end of President Clinton's term to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008, has now risen back up to nearly 11 percent.

This high level of vacancies puts at serious risk the ability of all Americans to have a fair hearing in court.